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July 20, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Washington, DC 20554

**Re: Report of Oral *Ex Parte* Communications  
ET Dockets Nos. 04-186 and 02-380  
Unlicensed Operation in the Television Broadcast Band**

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to report that **oral *ex parte* meetings** were held on July 19, 2004, by Warren L. Trumbly, President, Andrew Bopp, Executive Director, several other representatives of the **Community Broadcasters Association** ("CBA"), and counsel for CBA, with the following Commission personnel:

**Commissioner Kathleen Q. Abernathy** and Stacy Robinson Fuller  
**Commissioner Michael J. Copps** and Jordan Goldstein  
**Commissioner Kevin J. Martin** and Catherine Crutcher Bohigian  
**Commissioner Jonathan S. Adelstein** and Johanna Mikes Shelton  
**Media Bureau:** Roy J. Stewart, Chief, **Office of Broadcast License Policy**, and Barbara Kreisman, Chief, **Video Division**, and Mary R. Fitzgerald, Assistant Division Chief, Video Division

CBA representatives also met on July 20, 2004, with Edmond Thomas, Chief, **Office of Engineering and Technology**, and Bruce Franca, Karen Rackley, Hugh L. Van Tuyl, and Alan J. Scrim.

CBA made the following points: The Class A/Low Power Television ("LPTV") industry has a lot to lose in this proceeding, because without cable and satellite carriage, they depend on over-the-air delivery for survival. Nevertheless, the industry wishes to keep an open mind, and may even wish to participate in providing wireless services. CBA represents almost twice

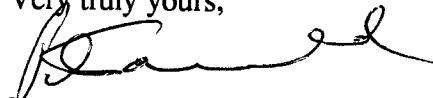
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as many TV stations as the full power industry, and CBA need to be at the table when industry discussions are held.

The critical issue for CBA is to make sure that the central frequency-selection database acknowledges the presence of Class A and LPTV stations and adequately protects them. While the Class A/LPTV protected interference-free service area in Parts 73/74 is limited to the Grade A contour, there are in fact viewers beyond the Grade A contour. Moreover, actual Grade A service, demonstrated by the Longley-Rice method, often extends well beyond the FCC-predicted Grade A contour.

The Commission must follow its traditional Part 15 principle of protecting licensed services wherever they are actually received. Protection must be afforded to TV signal reception at cable headends, translator inputs, and studio-transmitter links operating on unused UHF TV channels. A mechanism is needed for developing relevant information and inputting it into the database. Beyond that, many Class A and LPTV stations are interested in using part of their future digital spectrum capacity to participate in the provision of wireless services to the public.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Tannenwald", written over a horizontal line.

Peter Tannenwald  
Counsel for the Community Broadcasters Assn.

cc: (by e-mail) All Meeting Participants